



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **C-1**

September 15, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION AUTHORIZING
REMOVAL OF SOIL, ROCK, AND OTHER MATERIAL
THROUGH EMERGENCY CONTRACTING
HUME ROAD/LAS FLORES CANYON ROAD
SUPERVISORIAL DISTRICT 3
4 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the work authorized in the enclosed Resolution for Emergency Work is exempt from the provisions of the California Environmental Quality Act.
2. Find that the public interest and necessity demand immediate action to remove soil, rock, and other material located below Hume Road in order to prevent damage to persons and property on or near Las Flores Canyon Road and closure of Las Flores Canyon Road.
3. Adopt the enclosed Resolution and, pursuant to Section 22050 of the Public Contract Code, authorize the Director of Public Works, or his designee, to negotiate and execute a contract on behalf of the County to remove the soil, rock, and other material.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Earth movement resulting from the extensive rainfall last winter and spring has closed Hume Road between Briarbluff Drive and Castlewood Road. The earth movement caused a significant amount of soil, rock, and other material to be deposited at and below this segment of Hume Road and on the slope directly above Las Flores Canyon Road. Should this material not be removed, rainfall will likely trigger a catastrophic mudslide which could cause damage to persons and property on or near Las Flores Canyon Road. Moreover, such a mudslide would likely result in closure of Las Flores Canyon Road, which serves as the primary means of access to a large number of residences. To expedite the award of a contract, we recommend that your Board authorize the Director of Public Works, or his designee, to negotiate and execute a contract on behalf of the County for the removal of the material as allowed by Section 22050 of the Public Contract Code.

Implementation of Strategic Plan Goals

This emergency action is consistent with the County Strategic Goal of Service Excellence as it provides timely removal of material which threatens public safety and County infrastructure in a highly responsive manner.

FISCAL IMPACT/FINANCING

This action will have no impact on net County cost. Funding will be provided from the Fiscal Year 2005-06 Road Fund Budget.

Public Works will pursue reimbursement of the cost of this work from the State Office of Emergency Services and the Federal Emergency Management Agency as it is a direct result of the 2005 rainstorm for which the State and Federal governments are providing financial assistance to local agencies.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The plans and specifications for the removal will include the contractual provisions, workmanship standards, and equipment requirements necessary for the prosecution of this project. The contract agreement will be in a form previously approved by County Counsel.

Public Contract Code, Section 22050, sets forth emergency contracting procedures which provide that in the case of an emergency, a public agency, pursuant to a four-fifths vote of the governing body, may take any directly related and immediate action

required by that emergency and procure the necessary equipment, services, and supplies for those purposes without advertising for bids prior to awarding contracts. Before taking any such action, the public agency shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency. The governing body, by a four-fifths vote, may delegate to the Director of Public Works, or his designee, the authority to order any action required by that emergency. Adoption of the enclosed Resolution fulfills the requirements of the Public Contract Code.

County Code, Section 2.68.090 (Emergency Services, Delegation of Powers), authorizes your Board to delegate to various County officers powers, functions, and duties as determined to be necessary to respond to a declared emergency.

ENVIRONMENTAL DOCUMENTATION

The California Environmental Quality Act requires public agency decision makers to document and consider the environmental implications of their actions. As an emergency project, the proposed project is statutorily exempt pursuant to Section 21080(b)(2), (3), and (4) of the California Environmental Quality Act and Section 15269(a), (b), and (c) of the California Environmental Quality Act Guidelines.

Upon approval of the recommended action by your Board, Public Works will file a Notice of Exemption with the County Clerk in accordance with the requirements of Section 21152(b) of the California Public Resources Code. A \$25 handling fee will be paid to the County Clerk for processing.

CONTRACTING PROCESS

This work will be contracted on a negotiated basis following the compilation of a short list of qualified contractors.

The project specifications will contain provisions (1) requiring the contractors to comply with the County's Child Support Compliance Program, (2) requiring the contractors to report solicitations of improper considerations by County employees and allowing the County to terminate the contract if it is found that the contractors offered or gave improper consideration to County employees, (3) requiring the contractors to comply with the requirements of the Contractor Employee Jury Service Program, and (4) requiring the contractor to comply with the Newborn Abandonment Law (Safely Surrendered Baby Law).

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The project specifications will also contain a provision that, should the contractors require additional or replacement personnel to fill employment openings, consideration shall be given to hiring qualified participants in the County's Greater Avenues for Independence or General Relief Opportunities for Work Programs.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, contractors will be required to report False Claims Act violations, labor law/payroll violations, debarments, their civil litigation history, and information regarding prior criminal convictions. The information reported will be considered before awarding contracts.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

If this material is not removed, its movement onto Las Flores Canyon Road would result in prolonged inconvenience and risk to residents and motorists who use Las Flores Canyon Road as their primary access to their homes and jobs.

CONCLUSION

Please return one adopted copy of this letter, and the Resolution to Public Works.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

EJU:ts

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Enc.

cc: Chief Administrative Office
County Counsel
Internal Services Department

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TAKE
EMERGENCY ACTION TO
REMOVE SOIL, ROCK, AND OTHER MATERIAL, ON BEHALF OF
THE COUNTY OF LOS ANGELES**

WHEREAS, on January 10, 2005, a local emergency (Emergency) was proclaimed as a result of the severe winter rainstorms that occurred during early January 2005, which caused conditions of extreme peril to the safety of persons and property in cities and unincorporated areas of Los Angeles County including mudslides; flooding; and damage to roads, flood control facilities, and other public and private property; and

WHEREAS, those severe winter rainstorms resulted in damage to Hume Road between Briarbluff Drive and Castlewood Road and deposited soil, rock, and other material on and below Hume Road as well as on the slope above Las Flores Canyon Road; and

WHEREAS, the aforementioned deposited soil, rock, and other material must be removed to alleviate the threat of a catastrophic mudslide which would pose a significant threat to persons and property and likely necessitate closure of Las Flores Canyon Road for a period of time; and

WHEREAS, rainfall is likely to trigger the aforementioned catastrophic mudslide; and

WHEREAS, it is necessary to commence preemptive action to remove the aforementioned threat as soon as possible because removal of soil, rock, and other material is expected to take two months to accomplish and must be completed as early as possible in advance of the upcoming rainy season; and

WHEREAS, as a result of the Emergency declared in January 2005 and recent earth movement of Hume Road above Las Flores Canyon Road, these proposed actions are directly related to repairs of a public facility; and

WHEREAS, Section 22050 of the Public Contract Code authorizes a public agency, in the case of an emergency and pursuant to a four-fifths vote of its governing body, to procure the equipment, services, and supplies necessary to repair or replace public facilities without giving notice for bids to let contracts.

NOW, THEREFORE, THE BOARD OF SUPERVISORS, AS THE GOVERNING BODY OF THE COUNTY OF LOS ANGELES, BASED ON THE SUBSTANTIAL EVIDENCE BEFORE IT AND THE FACTS SET FORTH HEREINABOVE, HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The Emergency will not permit a delay resulting from a competitive solicitation for bids, and the immediate removal of material is necessary to respond to the Emergency and to protect Las Flores Canyon Road and the health and safety of those using Las Flores Canyon Road.
2. The Director of Public Works, or his designee, is hereby delegated authority to negotiate a contract, without advertising for bids, for the removal of soil, rock, and other material, and to prepare and execute this contract in the form previously approved by County Counsel.
3. The Board shall review the need to continue this emergency action, and the Executive Officer of the Board shall continue to place this item on the agenda for Board review, every 14 days in accordance with Public Contracts Code Section 22050.

The foregoing Resolution was on the ____ day of _____, 2005, adopted by the Board of Supervisors of the County of Los Angeles.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Deputy